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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,377	11/19/2001	Laurence I. Rockwell	7784-000187	5554

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EXAMINER

PEREZ GUTIERREZ, RAFAEL

ART UNIT PAPER NUMBER

2686

DATE MAILED: 08/12/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,377

Applicant(s)

Rockwell

Examiner

Rafael Perez-Gutierrez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2 and 3</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Priority

1. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

Information Disclosure Statement

2. The information disclosure statements submitted on June 3, 2002 and January 21, 2003 have been considered by the Examiner and made of record in the application file.

Drawings

3. The drawings are objected to because of the following minor informality: On **figure 1 item 12**, replace "Mobil" with --Mobile--.
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference number mentioned in the description on **page 4 paragraph 0013**: On **figure 1** reference number **10** is not shown.
5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference number not mentioned in the description: On **figure 1** reference number **32** is not mentioned in the description.

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6. Corrected drawing sheets are required in reply to the Office Action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the Examiner, the Applicant will be notified and informed of any required corrective action in the next Office Action. If a response to the present Office Action fails to include proper drawing corrections, corrected drawings, an amendment to the specification, or arguments thereof, the response can be held **NON-RESPONSIVE** and/or the application could be **ABANDONED** since the corrections to the drawings are no longer held in abeyance.

Claim Objections

7. **Claims 1, 3, and 4** are objected to because of the following informalities:

- a) On **line 2** of **claim 1**, replace "comprising" with --comprising:--; and
- b) On **line 1** of **claims 3 and 4**, insert --wherein-- after "Claim 2".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

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basis for the rejections under this section made in this Office Action:

A person shall be entitled to a patent unless -- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by **Huff et al. (U.S. Patent # 6,408,391 B1)**.

Consider **claims 1 and 7**, Huff et al. clearly show and disclose a method and a network security architecture for monitoring security activities in a mobile network platform (abstract and figure 5), comprising:

a mobile network residing on the mobile network platform (figure 5), the mobile network includes a plurality of user access points (e.g., vehicles 722, 724, 726, 728, 732, 734, 736, 742, 744, 746) such that each user access point is defined by an enforced network address (figures 1 and 5, column 5 lines 13-32, and column 13 line 44 - column 14 line 39);

an intrusion detection system (computer systems 500, 600 and security server 114) (figures 1 and 5) connected to the mobile network and residing on the mobile network platform, the intrusion detection system operable to detect a security intrusion event that is associated with a first user access point (e.g., suspected vehicle) from the plurality of user access points (column 14 lines 16-39); and

a mobile security manager (computer systems 500, 600 and security server 114) residing on the mobile network platform, the mobile security manager is adapted to receive the security intrusion event from the intrusion detection system and operable to issue a security response

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command (e.g., shutting off the suspected vehicle) in response to the security intrusion event, where the security response command is directed to said first user access point (e.g., shutting off the suspected vehicle) (column 14 lines 16-39).

Consider **claim 2**, and as applied to **claim 1** above, Huff et al. further show and disclose a security response actuator (i.e., service request processor 290) residing on the mobile network platform, the security response actuator adapted to receive the security response command from the security manager and operable to perform security response activities in response to the security response command (column 10 lines 45-64).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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10. **Claim 3-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Huff et al.** (U.S. Patent # 6,408,391 B1) in view of **ICSA, Inc.** ("*An Introduction to Intrusion Detection Assessment for System and Network Security Management*").

Consider **claims 3-6**, and as applied to **claim 2** above, Huff et al. clearly show and disclose the claimed invention except:

wherein the security response actuator is operable to prevent transmission of data packets to a given user access point, where the data packets are not associated with the given user access point (claim 3);

wherein the security response actuator is operable to prevent transmission of data packets from a given user access point (claim 4);

wherein the security response actuator is operable to enforce a network address for each of the plurality of user access points, where the network address is dynamically assigned to a given user access point when a computing device is in data communication with the given user access point (claim 5); and

that the architecture further comprises an address manager connected to the security response actuator and operable to dynamically assign a network address for any one of the plurality of user access points (claim 6).

In the same field of endeavor, ICSA, Inc. clearly disclose several security response activities to counterattack a detected intrusion, said security response activities including preventing transmission of data packets to/from a given user access point and enforcing, by means of an address manager (inherent), a dynamically assigned network address (page 29, left

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hand column fourth paragraph - right hand column second paragraph).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the security response activities taught by ICSA, Inc. into the architecture taught by Huff et al. for the purpose of altering the environment of the system under attack (ICSA, Inc.; page 29 left hand column fifth paragraph)

Conclusion

11. Any response to this Office Action should be **faxed to (703) 872-9306 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Crystal Park II
2021 Crystal Drive
Arlington, VA 22202
Sixth Floor (Receptionist)

12. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rafael Perez-Gutierrez whose telephone number is (703) 308-8996. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number

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for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700 or call customer service at (703) 306-0377.



Rafael Perez-Gutierrez

R.P.G./rpg **RAFAEL PEREZ-GUTIERREZ**
PATENT EXAMINER

August 9, 2004